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TRADE AND DEVELOPMENT BOARD

Committee on Shipping
Fourteenth session
Geneva, 21 June 1990
Agenda item 8

DRAFT REPORT OF THE COMMITTEE ON SHIPPING ON ITS FOURTEENTH SESSION

held at the Palais des Nations, Geneva
from 21 to .. June 1990

Rapporteur: Ms. Agnes CELIS (Mexico)

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INTRODUCTION

1. The Committee on Shipping held its fourteenth regular session at the Palais des Nations, Geneva, from 21 to .. June 1990. In the course of its session the Committee held .. plenary meetings. The present report contains a succinct account of its proceedings.

Chapter I

GENERAL STATEMENTS

2. The Deputy Secretary-General of UNCTAD observed that the current session was convening amid very eventful international economic and political developments, practically all of which affected the shipping industry, directly or indirectly. He referred to the profound political and economic transformations in the countries of Eastern and Central Europe and the extensive restructuring and current efforts better to integrate their economic and social structures and foreign trade with the world economy. The increasing preoccupation at national, regional and international levels with global environmental concerns was likely to constitute one of the major issues for the 1990s. The continuing weakness and instability in major commodity markets and the crippling debt burden continued to have a profound negative effect on the economic and social development of a large number of developing countries and regions.

3. The outcome of the GATT negotiations under the Uruguay Round would be of considerable interest to the shipping industry, both as regards the traditional trade in goods issues and in respect of the ongoing deliberations on services, which could possibly include shipping. Moreover, the decisions taken at the Second United Nations Conference on the Least Developed Countries (Paris, September 1990) and UNCTAD VIII in 1991 would undoubtedly affect the world shipping industry.

4. Explaining why emphasis in the agenda was placed on multimodal transport, he said such transport was becoming the preferred way of transporting general cargoes and today few liner cargoes continued to move on a traditional liner shipping basis. So far, developments had taken place mainly in the North-North trades, but sophisticated multimodal transport operators were now extending their physical distribution networks to the North-South trades as well. It was important that developing countries' transport operators have equal opportunity to offer such door-to-door transport services. There was

indeed a risk that transport operators of developing countries, if they did not succeed in participating in these technological developments, would see themselves increasingly marginalized in multimodal transport operations.

5. Given that this subject was technical, and analyses of the possible impact of developments in this field were therefore complicated, he drew attention to the secretariat proposal that the Commitee consider setting up an ad hoc group of experts to consider multimodal transport issues which should provide for the full representation of expertise from developing countries.

6. He invited the Committee to decide on its new programme of work on multimodal transport and containerization, and to provide guidelines to the secretariat on the priorities.

7. Turning to another major agenda item on the agenda - economic co-operation among developing countries in the field of shipping, ports and multimodal transport - he referred to the recommendations of the Group of Experts which had met in Geneva in June 1989. He strongly believed that there was both an urgent need as well as great potential for ECDC among developing countries - and regions - which needed to be considerably further exploited.

8. As to the future work programme, he drew attention to the extensive efforts by the Shipping Division in the area of technical assistance to the developing countries in the field of shipping, multimodal transport and related activities, including maritime training, and pointed out that the secretariat looked forward to deliberations in the Commitee and guidance in this respect.

9. Immediately after the current session, a two-day meeting would be convened for informal consultations on the rules of procedure for the Review Conference on the United Nations Convention on a Code of Conduct for Liner Conferences with a view to reaching a final conclusion. Provisional arrangements had been made for a resumed session of the Review Conference to be convened in November 1990 if agreement on the rules of procedure was reached during these consultations.

10. The Director of Shipping Division drew attention to the problem of multimodal transport, and highlighted three specific issues, the first being that of small companies in developing countries that had paractically no possibility of competing with huge organizations that employed the latest electronic inventions and could keep customers informed of the whereabouts of their cargoes 24 hours a day. It was difficult to ensure that the market

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concentration in the leasing industry would not result in restrictive business practices. It was natural that the developments should give rise to concern, particularly in developing countries, but the worst thing that could happen would be for countries to begin erecting entry barriers. Consequently, it was important for the Committee to propose policy measures to Governments, for example on harmonization of rules and regulations for freight forwarders and multimodal transport operators, and to encourage the earliest introduction of electronic data interchange among all partners in international transport and trade.

11. A second issue of concern was related to the competitiveness of multimodal transport operators in developing countries, namely, the lack of minimum standards for multimodal transport operators and of standards in the freight forwarding industry.

12. The third issue was the secretariat's suggestion to create a special group to deal exclusively with multimodal transport issues and inter alia, the technical aspects. This would allow Governments to select delegations composed primarily of specialists. On the basis of UNCTAD experience, he suggested an open-ended ad hoc intergovernmental group of experts, similar to the existing IGG on ports, as the most convenient type of group for the above-mentioned purposes.

13. As to economic co-operation among developing countries in the field of shipping, ports and multimodal transport - he recalled that the group of experts that had met in Geneva in June 1989 had produced a set of 19 recommendations. These related to four specific areas - (i) operational activities; (ii) maritime training; (iii) policy matters; and (iv) institutional structures - and were recommended to the Committee for adoption.

14. Reviewing the reports on the future work of the Committee, he drew particular attention to several intergovernmental meetings. On port problems, he pointed out that technological developments had changed the construction, layout, cargo-handling equipment, manpower requirements and location of ports. These changes required considerable investment by port organizations in developing countries in infrastructure, equipment and especially, human resource development. These subjects would be examined by the

intergovernmental group of port experts in September 1990. The Committee on Shipping might decide to discuss port matters more extensively at its fifteenth session. Meanwhile, the secretariat would continue to implement existing mandates.

15. As to maritime legislation, the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects had completed its work on maritime liens and mortgages with a recommendation for the convening of a diplomatic conference. He invited the Committee to take note of the Group's report (TD/B/C.4/327) and endorse its recommendations. The Legal Committee of IMO would also consider this matter in September 1990. He noted that the Working Group on International Shipping Legislation would be convened in October 1990 to consider the subject of charter-parties.

16. Provisional arrangements had been made by the secretariat for a resumed session of the Review Conference on the United Nations Convention on a Code of Conduct for Liner Conferences in November 1990. This would depend on the outcome of the informal consultations on the rules of procedure to take place on 2 and 3 July.

17. The spokesperson for the Group of 77 (Philippines) noted that the problem of overcapacity that had figured prominently on the agenda of the last sessions had diminished but still merited further consideration. She stated, however, that other structural problems had evolved in all sectors of the shipping market that were undermining the continued effective participation of developing countries in world shipping. As an example of such developments she cited the technological developments and accompanying organizational changes in liner shipping and multimodal transport. Consequently, the Group of 77 considered it necessary that elements of a new strategy be developed that would reconsider the role of developing countries in the provision of maritime transport services and that would ensure their adequate participation in the medium and long term.

18. The Group of 77 was convinced that the Shipping Committee of UNCTAD was the appropriate venue for finding the necessary solutions to the problems facing developing countries and their shipping industry, and to give new impetus to the development of this important sector, so that it could once more play the role of a catalyst for trade and be an important tool in the integration of developing countries in the world economy. The Group of 77 therefore proposed that the Committee request the secretariat to analyse

ongoing structural and technological developments in world liner and bulk shipping and multimodal transport, in close consultation with experts of the maritime community, and to elaborate necessary and adequate proposals that would ensure effective participation of developing countries in world shipping and report thereon to the fifteenth session of the Committee.

19. The Group of 77 believed that, while the policy principles established during the 1970s and 1980s should not be discarded, their application, however, be reconsidered in the context of a new strategy bearing in mind the changes in service qualities and structures of the shipping markets. The new policy approach should be a coherent one relating to all shipping markets and should, inter alia, cover issues relating to the reduction of the technology gap between developed and developing countries, privileged access to cargo in the various shipping markets, as well as to information, production factors and ship finance.

20. Turning to agenda items 3 and 4, she cited developments and issues for developing countries in the multimodal sector. These were the extensive use of electronic data processing (EDI), the transfer of this technology to developing countries and possible existence of barriers to market entry and of restrictive business practices by developed country operators.

21. With regard to ECDC, she recalled the Declaration on International Economic Co-operation and stressed the need for strengthening ECDC in shipping, ports and multimodal transport. In this connection her Group considered that the 19 recommendations prepared by the Group of Experts on ECDC and contained in the report TD/B/C.4/311, would, when applied, result in progress in solving the structural problems in shipping faced by the developing countries.

22. As to the work programme of the Committee, she recalled the difficulties in compiling the terms of reference for establishing secretariat activities on the protection of shippers' interests. The Group of 77 appreciated the information provided by the UNCTAD report TD/B/C.4/332 on the experiences of freight rate negotiations, which would be of assistance to shippers in developing countries in their negotiations with liner conferences. Similarly, she appreciated the continued publication of the annual Review of Maritime Transport and its usefulness to developing countries. She stressed the importance of the Liner Code to the Group of 77 and expressed her Group's hope that the two-day informal consulstations on 2-3 July 1990 on the

Rules of Procedure for the Liner Code Review Conference would be successfully concluded, thus allowing the Review Conference to resume later during the current year. She also stressed that her Group attached great importance to technical assistance and urged the Committee to take the necessary decisions for the continuation and extension of such programmes, in particular TRAINMAR, IPP and JOBMAR.

23. The spokesman for Group B (United Kingdom) noted the recent improvement of the balance between supply and demand in world shipping, which was closely connected with the growth of international trade, and pointed out that there were positive signs of real growth in world trade and all parts of the fleet entered the 1990s with optimism. This positive atmosphere was reflected in the expansion of fleets of developing countries.

24. Development of economic co-operation among developing countries in the field of shipping, ports and multimodal transport was a concrete step towards an increased competitive position for fleets of developing countries. Group B would therefore lend its support to those recommendations which would achieve this objective, although it had difficulties with some of the accompanying rationale and was looking forward to an exchange of views within the Committee.

25. On the question of multimodal transport, Group B viewed the work by the UNCTAD secretariat (an inventory of existing mandates and a description of the secretariat's action on them) as a satisfactory model for similar documents on other subject matters. However, Group B was not convinced that the available documentation helped to advance the substantive issues. Group B believed that the common objective should be to assist developing countries in the operation of multimodal transport in a practical way and not in a vacuum. Group B felt that there were a number of practical aspects on which discussions need to be focused.

26. Group B did not believe in the setting up of an expert working group on multimodal transport and technological developments on a permanent basis, and was generally opposed to the establishment of any new subsidiary body. The establishment of such a permanent body had budgetary implications not only for UNCTAD but also for national delegations. Multimodal issues had to be discussed within the existing framework of the Committee on Shipping. Referring to document TD/B/C.4/315 Parts I and II, he said that the substantive conclusions reached by the secretariat were unlikely to be accepted by all Governments, as a number of Group B countries had strong

reservations concerning some of the findings, in particular, on the uniform system of liability concerning localized damage, as well as the public law aspects contained in Article 4 of the Multimodal Transport Convention.

27. He welcomed the information in "Protection of Shipper Interests - Experiences in freight rate negotiations" (TD/B/C.4/332) and pointed out that Group B endorsed any recommendation for conferences and shippers' organizations to consult over commercial matters, including the calculation and imposition of surcharges.

28. Expressing support for the Technical Assistance and Training Programmes, he noted that the secretariat had now provided the Committee with some detailed information related to its technical co-operation programme in TD/B/C.4/331 and Addendum. He also noted that the number of reports prepared by the secretariat for the current session of Committee was large and the documentation itself was almost too voluminous.

29. The spokesman for Group D (USSR) pointed out the importance of activities of UNCTAD and its Committee on Shipping in the solution of essential problems facing the international maritime community. International co-operation in the framework of UNCTAD and the Committee on Shipping remained the only way for orderly development of the world transport system in conformity with the demands of the international division of labour and world trade.

30. He hoped that the current session would contribute to the creation of a more effective transport system on the basis of advantages of different types of transport. He noted that such a system could not be created without development of multimodal transport. The UNCTAD secretariat had generally fulfilled its mandate concerning multimodal transport problems but, given the dynamic environment, this work should continue. He invited the secretariat to conduct a number of seminars dealing with multimodal transport operations in interested member States of UNCTAD.

31. Economic co-operation among developing countries in maritime transport was essential for all fields of the economy, and Group D considered it an important matter for the Committee. Furthermore, his Group supported the recommendations by the Group of Experts (TD/B/C.4/324) but suggested that the question of direct co-operation in individual cases should be considered by the regional commissions and other international organizations. This would

avoid unnecessary duplication of work and enable UNCTAD to use its staff and financial resources more effectively. Group D was ready to continue economic assistance to developing countries in maritime transport in line with the above recommendations of the group of experts.

32. He expressed satisfaction with the global improvement of the situation in world shipping that had resulted from the efforts of the international maritime community. However, Group D was concerned with certain symptoms of possible disequilibrium between supply and demand in world shipping and called on member States to show reasonable prudence in planning the development of their merchant fleets. He asked the secretariat to continue to monitor the situation in world shipping and report regularly to the Committee.

33. Turning to the activities of the secretariat, he supported the Work Programme (agenda item 5). He welcomed the preparation by the Joint UNCTAD/IMO Intergovernmental Group of Experts of a draft text of a Maritime Liens and Mortgages Convention and suggested that the Committee support the convocation of the diplomatic conference.

34. With regard to technical assistance to the developing countries, he said that within its existing resources, the secretariat should continue its efforts, with priority given to the most essential projects. Group D agreed with the proposal of the secretariat to discontinue publication of the Shipassist directory.

35. The representative of China stated that, in spite of increasing demand for world shipping, and reduction of laid-up tonnage, since the previous session of the Committee, the long-term imbalance of supply and demand still existed. The persistence of this problem made it desirable to avoid any new imbalance, especially in the container shipping sector.

36. In the field of multimodal transport, China was making efforts that were complementary to its own environment. Moreover, given the gap in development of multimodal transport between developing and developed countries, it was essential that multimodal transport was seen as a main item for deliberation at the current session.

37. With regard to ECDC, China had always stressed the development of economic co-operation among developing countries in the areas of shipping and multimodal transport. This was important because of insufficient capital, practical experience, and modest levels of management organization in developing countries.

38. It was China's view that multifaceted co-operation should be encouraged among the developing countries and between them and the developed countries on the basis of equality, mutual benefit and friendly association.

39. He observed that conditions and direct interest of developing countries should be fully taken into account in the improvement and development of container standards, and that technical assistance and training activities should be continued and further developed.

40. The representative of the International Maritime Organization referred to the consideration given at the IMO Council and the IMO Legal Committee to the successful outcome of the deliberation of the joint IMO - UNCTAD Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages. He explained that both IMO bodies had had to postpone a decision on the recommendation by the Group to convene an international conference to consider a draft convention on maritime liens and mortgages. This postponement had been decided to allow for consultations among the relevant bodies and authorities in each country.

41. As to the IMO co-operation with UNCTAD as well as other international bodies in matters of relevant significance for international shipping, he mentioned the work of the joint ILO/IMO/UNCTAD working group in charge of reviewing and co-ordinating the technical co-operation programmes of the three organizations in the field of port training. He also referred to IMO work in the field of safety of containers and its importance for the maritime and multimodal transport.

42. Referring to the IMO's work in the implementation of Electronic Data Interchange (EDI), he said that IMO had produced an Electronic Data Interchange Marine Manual (EDIMAR) with the purpose of translating into electronic data the IMO standard forms for ship clearance. Consultations were being held to ensure conformity of EDIMAR with the United Nations standards of Electronic Data Interchange for administration, commerce and transport (EDIFACT). He emphasized the need for co-operation and consultation between IMO and UNCTAD on this matter.

43. The representative of the International Federation of Freight Forwarders (FIATA) emphasized that multimodal transport was primarily an organizational matter rather than one of having a certain amount of capital, a large number of staff, containers, trucks or ships, etc. Transport could be divided into two parts: physical transport and organization of transport. As part of

their business, freight forwarders looked after the latter to optimize transport. He stressed that the organization of transport was mainly brain work, that freight forwarding was a knowledge-based service industry, and that the freight forwarder was the ideal partner of the shipper.

44. Referring to document TD/B/C.4/324, he said that the establishment of general minimum standards for MT operators in developing countries might be counterproductive. It was more appropriate to propagate existing and proven transport documents rather than to consider the drafting of new ones. He agreed that no barriers to enter the international transport market should be introduced or allowed to exist for freight forwarders in any country acting as multimodal transport operators. He expressed doubts on the international role of an association of MTOs outside FIATA and questioned the usefulness of an international convention on freight forwarding. As to training, he recalled that FIATA co-operated with UNCTAD and the ESCAP Working Group on Vocational Training on the TRAINMAR course on practical freight forwarding. FIATA supported steps by UNCTAD to further assist with human resource development in the fields of freight forwarding and multimodal transport.

45. Referring to document TD/B/C.4/328, he recognized that services by freight forwarders in developing countries were not as sophisticated as in industrialized countries. Countries exporting only a few commodities would not need a freight forwarder, whereas in countries with light industrial manufacturing, freight forwarders already had a role to play as transport organizer. FIATA would not advocate regulation of freight forwarding activities, and recommended that the shipping public only use freight forwarders who were members of a national freight forwarders association, to ensure that the shipping public received good service that represented value for money.

46. The representative of the International Chamber of Commerce (ICC) agreed with the secretariat view that the present improvement in world shipping could rapidly worsen if a cautious approach was not adopted by all. Awareness of the dangers of overcapacity was essential to avoid falling into the trap which had caused such chaos for shipping during the decade up to 1987. The general recovery in the shipping industry was only relative, considering that freight rates in all sectors had barely kept up with inflation. The tanker market had been strong, but the future appeared uncertain due to important questions of

liability for oil pollution spills and other environmental concerns arising in the United States Congress. The dry cargo market had generally improved, with little laid up tonnage and scrapping. The liner trades had been disappointing, however. From a shipowners' perspective, freight rates were uneconomic and the current excess capacity showed no sign of immediate improvement. In the face of an aging fleet in all sectors, soaring newbuilding prices combined with insufficient rates across the board made it necessary to continue with old tonnage.

47. As to multimodal transport, he recalled his organization's work on uniform rules for combined transport documents. These were produced by the industry and for the industry and had won wide recognition by international associations (BIMCO, FIATA), banks and individual operators. The UNCTAD secretariat had set up a working party with the ICC to elaborate rules for MT documents as per its mandate (resolution 60 (XII)). He emphasized that ICC's work with UNCTAD was designed to produce rules and not documents. The working party had made good progress although some points of principle remained to be resolved. This work illustrated the desirability and the success of joint ventures between industry and Governments.

48. The efforts of the ICC Center for Maritime Co-operation to increase the awareness of the industry to the benefits of joint ventures and the transfer of technology had continued. The CMC has also played an active role in UNCTAD's JOBMAR programme for on-the-job training, by assisting in the placment of candidates from developing countries with host companies in the maritime sectors of developed countries.

49. Referring to document TD/B/C.4/315 (Parts I and II), the representative of the International Chamber of Shipping (ICS) welcomed the educational role of the article-by-article comments on the Hamburg Rules and the Multimodal Convention but did not share the findings on their economic and commercial implications. ICS remained opposed to the Hamburg Rules and considered that they would not bring about the uniform system of liability for the carriage of goods by sea which shipowners no doubt would welcome in an ideal world. Referring to the joint UNCTAD/ICC working group on uniform rules for a multimodal transport document, he mentioned that ICS had also been participating in its various meetings and, basically, shared ICC's opinion on the outcome of this working group.

50. The secretariat's report "Review of developments in standardization of containers and related activities" (TD/B/C.4/329) provided a useful and factual survey on a matter which had always been important and was even more urgent since ISO was quickly moving towards a new generation of container standards. In this context, ICS considered that a full analysis of the cost effectiveness of a such new generation must be a prelude to any decision in this field. Recalling that the Economic and Social Council had been invited to co-ordinate a full and world-wide economic evaluation of the requirements for future containers, he said that UNCTAD should participate in these studies rather than undertake a comprehensive study of its own as was proposed in the secretariat's report.

Chapter ..

ORGANIZATIONAL MATTERS

A. Opening of the session

51. In the absence of the Chairman of the Committee at its thirteenth session, the fourteenth session of the Committee on Shipping was opened on 21 June 1990 by Ms. Maria Pompeu Brasil (Brazil), pursuant to rules 20 and 22 of the rules of procedure.

B. Election of officers

(Agenda item 1)

52. At its 154th (opening) and 155th meetings the Committee elected the following Bureau:

Chairman	Mr. Leif Asbjorn NYGAARD	(Norway)
Vice-Chairmen:	Mr. HU Hanxiang	(China)
	Mr. Joseph NGUEMA-MBA	(Gabon)
	Mr. Praveen SINGH	(India)
	Mr. Anthony MARTIN	(New Zealand)
	Mr. Stanislav GRZESIUK	(Poland)
Rapporteur:	Ms. Agnes CELIS	(Mexico)

C. Adoption of the agenda and organization of work

(Agenda item 2)

53. At the 154th meeting, the Committee adopted the provisional agenda approved by the Trade and Development Board at the second part of its thirty-fourth session (TD/B/C.4/332) as follows:

1. Election of officers
2. Adoption of the agenda and organization of work
3. Multimodal transport
4. Economic co-operation among developing countries in the field of shipping, ports and multimodal transport
5. Work programme
6. Provisional agenda for the fifteenth session of the Committee
7. Other business
8. Adoption of the report of the Committee to the Trade and Development Board.

54. At the same meeting it endorsed the secretariat suggestions for the organization of work in document TD/B/C.4/322 and established two sessional committees. Sessional Committee I would consider and report on items 4 and 5;

Sessional Committee II would consider and report on agenda item 3. All other items would be considered in plenary.

D. Membership and attendance

55. The following States members of UNCTAD, members of the Committee, were represented at the session: Algeria; [Argentina]; Australia; [Bahrain]; Bangladesh; Belgium; [Benin]; Bolivia; Brazil; Bulgaria; Burkina Faso; Cameroon; Canada; [Central African Republic]; Chile; China; [Colombia]; [Congo]; [Costa Rica]; Côte d'Ivoire; Cuba; [Cyprus]; [Czech and Slovak Federal Republic]; Democratic People's Republic of Korea; Denmark; [Dominican Republic]; Ecuador; Egypt; [El Salvador]; Ethiopia; Finland; France; Gabon; German Democratic Republic; Germany, Federal Republic of; Ghana; Greece; [Guatemala]; Guinea; [Honduras]; Hungary; India; Indonesia; Iran (Islamic Republic of); Iraq; Israel; Italy; [Jamaica]; Japan; [Jordan]; Kenya; Kuwait; Lebanon; Liberia; Libyan Arab Jamahiriya; Madagascar; [Malaysia]; [Malta]; [Mauritius]; Mexico; Morocco; Netherlands; New Zealand; [Nicaragua]; Nigeria; Norway; [Oman]; [Pakistan]; Panama; [Paraguay]; [Peru]; Philippines; Poland; Portugal; [Qatar]; Republic of Korea; [Romania]; Saudi Arabia; Senegal; [Somalia]; Spain; Sri Lanka; Sudan; Sweden; Switzerland; [Syrian Arab Republic]; Thailand; [Trinidad and Tobago]; Tunisia; Turkey; [Uganda]; Union of Soviet Socialist Republics; United Arab Emirates; United Kingdom of Great Britain and Northern Ireland; United Republic of Tanzania; United States of America; [Uruguay]; Venezuela; [Viet Nam]; Yemen; Yugoslavia; Zaire.

56. The following other States, members of UNCTAD, not members of the Committee were represented at the session: Angola; Austria; Burundi; Dominica; Mali; Rwanda; Sierra Leone; Zambia.

57. The Economic Commission for Europe; Economic and Social Commission for Asia and the Pacific were represented at the session.

58. The following specialized agencies were represented at the session: International Labour Organisation; International Maritime Organization. The General Agreement on Tariffs and Trade was also represented.

59. The following intergovernmental organizations were represented at the session: Board of the Cartagena Agreement; European Economic Community; Ministerial Conference of West and Central African States on Maritime Transport; Organisation for Economic Co-operation and Development; Organization of African Unity; Union of African Shippers' Councils.

60. The following non-governmental organizations were represented at the session: General Category: International Bar Association; International Chamber of Commerce; International Organization for Standardization. Special Category: Baltic and International Maritime Council; Council of European and Japanese National Shipowners' Associations; European Shippers' Councils; Federation of National Associations of Forwarding Agents of Latin America and the Caribbean; International Chamber of Shipping; International Federation of Freight Forwarders' Associations; International Shipowners' Association; Multiport Ship Agencies Network.

E. Provisional agenda for the fifteenth session of the Committee

(Agenda item 6)

[To be completed]

F. Other business

(Agenda item 7)

[To be completed]

G. Adoption of the report of the Committee to the Trade and Development Board

(Agenda item 8)

61. At the ... meeting, on .. June 1990, the Committee adopted its draft report (TD/B/L.176) and authorized the Rapporteur to complete the final version as appropriate.

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Fourteenth session
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Agenda item 5

WORK PROGRAMME

Draft resolution submitted by the Chairman

Maritime Liens and Mortgages

The Committee on Shipping,

Recalling Conference resolution 144(VI) of 2 July 1983 which urged the early completion of the ongoing international negotiations in the field of maritime liens and mortgages,

Recalling further resolution 49(X) adopted at the tenth session of the Committee on Shipping which included the subject of maritime liens and mortgages in the work programme of the Working Group on International Shipping Legislation,

Recalling also resolution 6(XI) of the Working Group on International Shipping Legislation adopted at its eleventh session which recommended the establishment of the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects in order to review the existing International Conventions on Maritime Liens and Mortgages and related enforcement procedures, such as arrest,

Recognizing the importance of the subject of maritime liens and mortgages in ship financing and in the development of national merchant fleets, in particular those of developing countries,

Emphasizing the need for international uniformity and for the establishment of a widely acceptable legal instrument governing the subject of maritime liens and mortgages,

Bearing in mind that the existing international conventions on the subject of maritime liens and mortgages have not achieved the desired international uniformity,

1. Welcomes the Final Report of the Joint UNCTAD/IMO intergovernmental Group of experts on Maritime Liens and Mortgages and Related Subjects (document TD/B/C.4/327-TD/B/C.4/AC.8/27) and endorses the recommendations contained therein;

2. Recommends to the Trade and Development Board that it recommends, in consultation with IMO, to the General Assembly, within existing resources, the convening of a Conference of Plenipotentiaries for the consideration and adoption of the draft Convention on Maritime Liens and Mortgages as contained in the final report of the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects (TD/B/C.4/327-TD/B/C.4/AC.8/27).

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TRADE AND DEVELOPMENT BOARD
Committee on Shipping
Fourteenth session
Geneva, 21 June 1990
Agenda item 4

ECONOMIC CO-OPERATION AMONG DEVELOPING COUNTRIES IN THE FIELD OF SHIPPING, PORTS AND MULTIMODAL TRANSPORT

Draft resolution submitted by the Chairman

The Committee on Shipping,

Convinced of the important role of ECDC in the field of shipping, ports and multimodal transport in attaining the shipping policy objectives of developing countries,

Recalling Conference resolution 144 (VI) as well as Committee on Shipping resolution 53 (XI) and decision 63 (XIII) on economic co-operation among developing countries in the area of shipping, ports and multimodal transport,

1. Welcomes the report of the Group of Experts on Economic Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport (TD/B/C.4/321-TD/B/C.4/AC.10/3) and calls upon Governments of developing countries to consider implementing, where appropriate, the recommendations made by the Group of Experts on Economic Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport contained in the above mentioned document;

2. Invites shipowners, shipowners' associations and shippers of developing countries to create and/or strengthen the structures necessary to establish and improve operational co-operation among them;

3. Urges Governments of developing countries to continue to provide for an adequate framework promoting co-operative action among shipowners, shippers, ports and multimodal transport operators;

4. Calls upon national and international organizations concerned with economic and social development plans, and bilateral and multilateral funding to continue to give high priority in their programmes to projects and assistance in the area of shipping and multimodal transport;

5. Requests the Secretary-General of UNCTAD to assist, upon request, in the organisation of regional and interregional meetings aimed at improving co-operation among governments and economic operators in the area of maritime transport;

6. Furthermore requests the Secretary-General of UNCTAD, in technical assistance activities, to place particular emphasis on activities fostering the further development of ECDC and promoting the implementation of the recommendations made by the Group of Experts on Economic Co-operation among Developing Countries;

7. Requests the UNCTAD secretariat:

- To monitor and prepare surveys of progress achieved by developing countries in their co-operation among themselves in shipping, ports and multimodal transport;

- To prepare for consideration, if possible, at the fifteenth session of the Committee on Shipping, a report on the implementation of the recommendations as agreed among the experts and make, if appropriate, additional recommendations on how co-operation among developing countries could be improved further.

8. Requests the UNCTAD secretariat to collaborate closely with United Nations Regional Commissions as well as other sub-regional and regional organizations dealing with shipping, ports and multimodal transport in its work aimed at implementing ECDC as adopted by the Committee on Shipping;

9. Invites operators of shipping and multimodal enterprises, particularly from developed countries, to assist in solving operational problems of co-operation and to strengthen their co-operative programmes with operators of shipping and multimodal enterprises from developing countries.

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TRADE AND DEVELOPMENT BOARD
Committee on Shipping
Fourteenth session
Geneva, 21 June 1990
Agenda item 5

WORK PROGRAMME

Draft resolution submitted by the Chairman

Shipping policy, port development, international maritime legislation, technical co-operation and training, including work programme

The Committee on Shipping,

Recalling Conference resolution 144 (VI) of 2nd July 1983 and Committee on Shipping resolutions and decisions 61 (XIII), 62 (XIII) and 63 (XIII) adopted by the Committee on Shipping at its thirteenth session in March 1988,

Taking note of the report of the Group of Experts on Economic Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport on its session in June 1989,

Taking note with appreciation of the documentation prepared by the UNCTAD secretariat as presented to the Committee on Shipping at its fourteenth session:

Shipping Policy

I. Merchant fleet development

Concerned about increasing structural problems facing the shipping industry of developing countries,

Considering that continuing efforts should be made to promote an increasing participation of developing countries in the world maritime sector,

Further considering that such efforts should be directed in particular at assisting developing countries in meeting the challenges posed by ongoing structural and technological changes and developments in the maritime sector,

Aware of the need to assist developing countries in the process of adjustement of their maritime engagement to enable them to continue to adequately meet the transport requirements of the trading community,

1. Urges the international community, particularly developed countries, to endeavour to promote an increased participation by developing countries in world maritime and multimodal transport;

2. Urges the international community, particularly developed countries, to assist developing countries in meeting the challenges posed by ongoing structural and technological changes and developments in the maritime sector;

3. Requests the UNCTAD secretariat to analyse the ongoing structural and technological developments in the maritime sector and to identify the scale and nature of the technology gap experienced by developing countries and report thereon to the Committee on Shipping at its fifteenth session. The report should take into account industry developments in all sectors of maritime transport as well as changes in the shipping policy framework based on various national legislations and multilateral agreements. The report would identify measures which would aim at promoting the participation of developing countries by reducing the technology gap and adapting to new forms of transport organization;

4. Requests the UNCTAD secretariat to study prevailing ship financing arrangements and to assess their adequacy in meeting the requirements of developing countries and report the results to the Commitee on Shipping at its fifteenth session;

5. Requests the UNCTAD secretariat to continue to monitor the problem of the imbalance between supply and demand and make appropriate recommendations to the Committee on Shipping;

6. Instructs the secretariat, while recognising that UNCTAD has fulfilled its mandate under Committee on Shipping resolutions 48 (X), 51 (XI), 57 (XII) and 62 (XIII) to continue monitoring closely developments in world shipping, giving special attention to world liner shipping developments and to report thereon to the Committee on Shipping or, as appropriate, in its annual Review of maritime Transport;

II. Protection of shippers' interests

1. Requests the UNCTAD secretariat to monitor institutional and market developments in liner shipping and their impact on shipper/shipowner relations and consultations and to report periodically to the committee on this matter. In this connection, the secretariat is requested to study the problems faced by shippers and shippers' organizations in consulting with conferences and shipping lines;

2. Requests the UNCTAD secretariat to continue to monitor developments in relation to the establishment and operation of effective consultation mechanisms for shippers organisations and to report thereon to the Committee on Shipping periodically;

3. Requests the UNCTAD secretariat to assist developing countries, upon request, with the establishment and operation of shippers' organizations which are capable of effectively assisting and advising shippers in their day-to-day commercial activities as well as consulting effectively with all relevant providers of transport services;

4. Invites the UNCTAD secretariat to assist, upon request, shippers organisations in developing countries to improve the effective operation of consultation machinery in liner shipping and to report thereon to the Committee on Shipping at its fifteenth session.

III. Maritime transportation of selected commodities and manufactured goods

1. Requests the UNCTAD secretariat to prepare - upon requests - studies on the maritime transportation of selected commodities which are of particular interest to developing countries as well as to prepare studies which will analyse the impact of conditions of ocean transport services, particularly ocean freight rates, on exports of selected - manufactured goods from developing countries, and on exports in trades between those countries, in order to provide them with information required for making appropriate decisions in this area.

IV. Implementation of United Nations Conventions in the field of shipping and multimodal transport

1. Requests the UNCTAD secretariat to continue to provide, within existing resources, assistance upon request to Governments concerning the implementation of Conventions adopted under the auspices of UNCTAD and to monitor progress made towards the ratification and implementation of the Conventions or their provisions and to report periodically thereon to the Committee on Shipping.

V. Trade in services

1. Requests the UNCTAD secretariat to monitor and to keep under review developments in trade in shipping services and related activities and provide technical assistance to developing countries in the process of negotiations on trade in shipping services, in pursuance of Board decision 309 (XXX) and paragraph 105 (20) of the Final Act of UNCTAD VII.

VI. Ports Developments

1. Requests the UNCTAD secretariat to continue implementing the mandates already received in the field of ports, including training and technical co-operation, taking into account the recommendations that the IGG may wish to make in this field and report thereon to the Committee on Shipping at its fifteenth session.

VII. International Maritime Legislation

1. Recommends to States members of UNCTAD to urge the relevant commercial parties to utilize the services provided by the Maritime Advisory Exchange as a means of combating maritime fraude;

2. Invites member Governments and private enterprises, in a position to do so, to provide financial assistance to the Maritime Advisory Exchange in order to ensure its continued functioning;

3. Requests the UNCTAD secretariat to promote the services provided by the Maritime Advisory Exchange, to monitor its progress, and to report thereon to the Committee on Shipping;

4. Requests further the UNCTAD secretariat to continue monitoring the work on the subject of sea waybills, in both liner and tramp shipping, being carried out by the relevant international organizations and to report on the progress made to the Committee on Shipping at its fifteenth session.

VIII. Technical co-operation and training

Recognizing that the efficiency of ports, shipping companies and other partners in the maritime sector has a significant effect on the terms of trade and that decisions concerning the maritime sector can, particularly in the light of technological developments, affect the potential volume of trade of developing countries,

Being convinced that the training of government officials, maritime administrators and managers of ports and shipping companies is a prerequisite for efficient planning and operations, notably the development of merchant marines, the establishment of multimodal transport operations, and the management of shipping companies, ports, shipping agencies, freight forwarding, etc.,

Noting from the recent external evaluations of the TRAINMAR and IPP Programmes the important contribution these programmes are making to meet the training needs of the developing countries,

Takes note with appreciation of the report "Evaluation of the technical co-operation programme in the field of maritime and multimodal transport" (TD/B/C.4/331 and Add.1) which was prepared in response to resolution 61 (XIII) of the Committee on Shipping and which provides useful and detailed information on the technical co-operation and training activities carried out by the Secretariat during the period 1980-1988,

Being convinced that on-the-job training is an important complement to other training activities of UNCTAD, and noting the excellent co-operation between the International Chamber of Commerce's Centre for Maritime Co-operation (CMC) and other private-sector groups in establishing the JOBMAR programme based upon a cost-sharing approach,

Welcoming the initiative which UNCTAD, ILO and IMO are taking to more closely co-ordinate their maritime training activities,

1. Expresses appreciation to UNDP and those donor countries which have provided financial support to UNCTAD's technical co-operation and training programmes and invites all potential donors to extend, if possible, their assistance so that as many countries as possible can benefit from these high priority activities;

2. Urges the UNCTAD secretariat to maintain and, if possible, extend its training programmes, including the TRAINMAR, the IPP and JOBMAR programmes within the resources available;

3. Urges the UNCTAD secretariat, in consultation with other international organizations, to continue to promote international co-operative mechanisms for the preparation and dissemination to all bodies involved of high quality training materials in shipping, ports and multimoal transport and to take all measures necessary to implement as fully as possible the TRAINMAR Action Plan contained in paragraph 43 of TD/B/C.4/331;

4. Requests the UNCTAD secretariat to update and make available information on technical assistance, training activities and advisory services as provided in the field of shipping, ports and multimodal transport and to evaluate the present and future need for training in these fields by developing countries;

5. Recommends that UNCTAD strengthens even further its collaboration with other agencies such as ILO and IMO (including the World Maritime University) to ensure that developing countries obtain the maximum benefits from these organizations' scarce resources.

IX. Fifteenth session of the Committee on Shipping

1. Agrees that the major part of the fifteenth session of the Committee should be devoted to (i) UNCTAD's work programme and in particular its work programme in the field of multimodal transport taking into account the findings and recommendations made by [the group of experts] set up by the Committee at its fourteenth session by Resolution ... (XIV); (ii) monitoring the current situation in world shipping and analysing the ongoing structural and technological developments in the maritime sector with a view to identifying the scale and nature of the technology gap experienced by the developing countries; (iii) the review of port activities of the UNCTAD secretariat, taking into account the results of the second session of the IGG on ports and to provide guidance to the secretariat taking into account the changing roles of ports in modern transport systems;

2. Instructs the UNCTAD secretariat to prepare the necessary documentation for the fifteenth session of the Committee on Shipping in strict observance with existing relevant Trade and Development Board resolutions as regards the number of main documents and their length.